



General Assembly

February Session, 2008

**Bill No. 5034**

LCO No. 585

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Referred to Committee on Judiciary

Introduced by:

REP. CAFERO, 142<sup>nd</sup> Dist.

SEN. MCKINNEY, 28<sup>th</sup> Dist.

***AN ACT CONCERNING DNA COLLECTION FROM CERTAIN  
ARRESTEES AND CONVICTED PERSONS.***

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 54-1b of the general statutes is repealed and the  
2 following is substituted in lieu thereof (*Effective October 1, 2008*):

3 (a) Any accused, when he is arraigned before the Superior Court,  
4 shall be advised by a judge that he has a right to counsel, that he has a  
5 right to refuse to make any statement and that any statement he makes  
6 may be introduced in evidence against him.

7 (b) At the time of arraignment, the court shall require, as a condition  
8 prior to release or as a condition of any bond, that any person charged  
9 with a class A or class B felony shall submit to the taking of a blood or  
10 other biological sample for DNA (deoxyribonucleic acid) analysis to  
11 determine identification characteristics specific to the person. If any  
12 person required to submit to the taking of a blood or other biological  
13 sample pursuant to this section refuses to do so, the state's attorney or

14 a designee shall notify the Department of Public Safety for the  
15 initiation of criminal proceedings against such person pursuant to  
16 subsection (g) of section 54-102g of the 2008 supplement to the general  
17 statutes, as amended by this act. The analysis shall be performed, and  
18 the profile shall be stored, maintained and made available, in  
19 accordance with subsection (f) of section 54-102g of the 2008  
20 supplement to the general statutes, as amended by this act.

21 (c) Each such accused or person shall be allowed a reasonable  
22 opportunity to consult counsel.

23 Sec. 2. Section 54-102g of the 2008 supplement to the general statutes  
24 is repealed and the following is substituted in lieu thereof (*Effective*  
25 *October 1, 2008*):

26 (a) Any person who has been convicted of a criminal offense against  
27 a victim who is a minor, a nonviolent sexual offense or a sexually  
28 violent offense, as those terms are defined in section 54-250, [or] a  
29 felony, or a violation of section 53a-58, 53a-61, 53a-61a, 53a-73a or 53a-  
30 181d, and has been sentenced on that conviction to the custody of the  
31 Commissioner of Correction shall, [prior to release from custody] once  
32 such person is in the custody of the Commissioner of Correction and at  
33 such time as the commissioner may specify, submit to the taking of a  
34 blood or other biological sample for DNA (deoxyribonucleic acid)  
35 analysis to determine identification characteristics specific to the  
36 person unless such person has previously submitted to the taking of a  
37 blood or other biological sample for DNA (deoxyribonucleic acid)  
38 analysis pursuant to section 54-1b, as amended by this act. If any  
39 person required to submit to the taking of a blood or other biological  
40 sample pursuant to this subsection refuses to do so, the Commissioner  
41 of Correction or the commissioner's designee shall notify the  
42 Department of Public Safety within thirty days of such refusal for the  
43 initiation of criminal proceedings against such person.

44 (b) Any person who is convicted of a criminal offense against a  
45 victim who is a minor, a nonviolent sexual offense or a sexually violent

46 offense, as those terms are defined in section 54-250, or a felony and is  
47 not sentenced to a term of confinement shall, as a condition of such  
48 sentence and [at such time as the sentencing court may specify] on the  
49 date of sentencing, submit to the taking of a blood or other biological  
50 sample for DNA (deoxyribonucleic acid) analysis to determine  
51 identification characteristics specific to the person.

52 (c) Any person who has been found not guilty by reason of mental  
53 disease or defect pursuant to section 53a-13 of a criminal offense  
54 against a victim who is a minor, a nonviolent sexual offense or a  
55 sexually violent offense, as those terms are defined in section 54-250, or  
56 a felony, and is in custody as a result of that finding, shall, prior to  
57 discharge from custody in accordance with subsection (e) of section  
58 17a-582 of the 2008 supplement to the general statutes, section 17a-588  
59 of the 2008 supplement to the general statutes or subsection (g) of  
60 section 17a-593 of the 2008 supplement to the general statutes and at  
61 such time as the Commissioner of Mental Health and Addiction  
62 Services or the Commissioner of Developmental Services with whom  
63 such person has been placed may specify, submit to the taking of a  
64 blood or other biological sample for DNA (deoxyribonucleic acid)  
65 analysis to determine identification characteristics specific to the  
66 person.

67 (d) Any person who has been convicted of a criminal offense against  
68 a victim who is a minor, a nonviolent sexual offense or a sexually  
69 violent offense, as those terms are defined in section 54-250, or a  
70 felony, and is serving a period of probation or parole, and who has not  
71 submitted to the taking of a blood or other biological sample pursuant  
72 to subsection (a), (b) or (c) of this section, shall, prior to discharge from  
73 the custody of the Court Support Services Division or the Department  
74 of Correction and at such time as said division or department may  
75 specify, submit to the taking of a blood or other biological sample for  
76 DNA (deoxyribonucleic acid) analysis to determine identification  
77 characteristics specific to the person.

78 (e) Any person who has been convicted or found not guilty by  
79 reason of mental disease or defect in any other state or jurisdiction of a  
80 felony or of any crime, the essential elements of which are  
81 substantially the same as a criminal offense against a victim who is a  
82 minor, a nonviolent sexual offense or a sexually violent offense, as  
83 those terms are defined in section 54-250, and is in the custody of the  
84 Commissioner of Correction, is under the supervision of the Judicial  
85 Department or the Board of Pardons and Paroles or is under the  
86 jurisdiction of the Psychiatric Security Review Board, shall, prior to  
87 discharge from such custody, supervision or jurisdiction submit to the  
88 taking of a blood or other biological sample for DNA  
89 (deoxyribonucleic acid) analysis to determine identification  
90 characteristics specific to the person.

91 (f) The analysis under this section and section 54-1b, as amended by  
92 this act, shall be performed by the Division of Scientific Services within  
93 the Department of Public Safety. The identification characteristics of  
94 the profile resulting from the DNA analysis shall be stored and  
95 maintained by the division in a DNA data bank and shall be made  
96 available only as provided in section 54-102j.

97 (g) Any person who refuses to submit to the taking of a blood or  
98 other biological sample pursuant to this section or section 54-1b, as  
99 amended by this act, shall be guilty of a class A misdemeanor.

100 Sec. 3. Subsection (a) of section 54-102h of the 2008 supplement to  
101 the general statutes is repealed and the following is substituted in lieu  
102 thereof (*Effective October 1, 2008*):

103 (a) (1) The collection of a blood or other biological sample from  
104 persons required to submit to the taking of such sample pursuant to  
105 subsection (a) of section 54-102g of the 2008 supplement to the general  
106 statutes, as amended by this act, shall be the responsibility of the  
107 Department of Correction and shall be taken at a time and place  
108 specified by the Department of Correction.

109 (2) The collection of a blood or other biological sample from persons  
110 required to submit to the taking of such sample pursuant to subsection  
111 (b) of section 54-102g of the 2008 supplement to the general statutes  
112 shall be the responsibility of the Department of Public Safety and shall  
113 be taken at a time and place specified by the sentencing court.

114 (3) The collection of a blood or other biological sample from persons  
115 required to submit to the taking of such sample pursuant to subsection  
116 (c) of section 54-102g of the 2008 supplement to the general statutes  
117 shall be the responsibility of the Commissioner of Mental Health and  
118 Addiction Services or the Commissioner of Developmental Services, as  
119 the case may be, and shall be taken at a time and place specified by  
120 said commissioner.

121 (4) The collection of a blood or other biological sample from persons  
122 required to submit to the taking of such sample pursuant to subsection  
123 (d) of section 54-102g of the 2008 supplement to the general statutes  
124 shall be the responsibility of the Judicial Department if such person is  
125 serving a period of probation and of the Department of Correction if  
126 such person is serving a period of parole and shall be taken at a time  
127 and place specified by the Court Support Services Division or the  
128 Department of Correction, as the case may be.

129 (5) The collection of a blood or other biological sample from persons  
130 required to submit to the taking of such sample pursuant to subsection  
131 (e) of section 54-102g of the 2008 supplement to the general statutes  
132 shall be the responsibility of the agency in whose custody or under  
133 whose supervision such person has been placed, and shall be taken at  
134 a time and place specified by such agency.

135 (6) The collection of a blood or other biological sample from persons  
136 required to submit to the taking of such sample pursuant to section 54-  
137 1b, as amended by this act, shall be the responsibility of the Judicial  
138 Department and shall be taken at a time and place specified by the  
139 Court Support Services Division.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2008</i>	54-1b
Sec. 2	<i>October 1, 2008</i>	54-102g
Sec. 3	<i>October 1, 2008</i>	54-102h(a)

***Statement of Purpose:***

To implement the Governor's budget recommendations.

*[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]*